

MARTINEZ
"Cellular Communications Handsets Having Variable
Appearance Housings And Methods Therefor"
Atty. Docket No. CS10862

Appl. No. 10/084,965
Confirm. No. 2203
Examiner R. Osorio
Art Unit 2673

Allowability of Claims Over Martinez

Rejection Summary

5 Claims 10, 14-18, 21, 22 & 24-26 stand rejected under 35 USC
102(b) as being anticipated by Nelson F. Martinez "Proposed Application of
Electro-chromic Polymer to Incorporate into Wireless Communication Device
Housing") (hereinafter referred to as the "Martinez Document". Office Action,
21 October 2003, para. 2.

Discussion of Allowability of Claims

10 The Applicant submits herewith a Declaration Under 37 CFR 1.132
Martinez averring facts establishing that the Martinez Document is not prior
15 art under 35 U.S.C. 102(b). The Martinez Document is a copy of the instant
inventors invention disclosure document, which was apparently inadvertently
sent to the Patent & Trademark Office with the patent application papers or
with the 37 CFR 1.56 disclosure documents. The rejections of the Claims under
35 U.S.C. 102(b) must therefore be withdrawn.

Prayer For Relief

20 In view of any amendments and the discussion above, the Claims
of the present application are in condition for allowance. Kindly withdraw any
25 rejections and objections and allow this application to issue as a United States
Patent without further delay.

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The Examiner is encouraged to contact the undersigned upon
carefully reviewing the foregoing remarks and declaration, prior to preparing
an official action in response thereto.

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Respectfully submitted,

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ROLAND K. BOWLER II 29 Oct. 2003
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